

**AGENDA**



**Recommendation for Council Action**

Austin City Council	Item ID	16077	Agenda Number	54.
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Meeting Date:	6/14/2012	Department:	Planning and Development Review
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**Subject**

Conduct a public hearing and consider an appeal by Elliott Mitchell regarding the decision to issue an Outdoor Music Venue permit for Lucy's Fried Chicken, located at 2218 College Avenue.

**Amount and Source of Funding**

**Fiscal Note**

Purchasing Language:	
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Prior Council Action:	
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For More Information:	Clara Hilling, 974-2686; Sylvia Arzola, 974-6448.
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Boards and Commission Action:	
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MBE / WBE:	
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Related Items:	
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**Additional Backup Information**

On March 14, 2012, the Planning and Development Review Department approved an Outdoor Music Venue Permit (OMV) for a venue known as Lucy's Fried Chicken, located at 2218 College Avenue.

On March 19, 2012, Elliott Mitchell, a property owner within 600', appealed approval of the permit on the basis that the restaurant is extremely close to residential, already a noise violator, have inadequate parking which will cause parking congestion and safety issues in the neighborhood.

Chapter 9-2-54(B) and 9-2-56 of the City Code provides that an interested party may appeal a decision if they are:

- The applicant;
- The notice owner of a single-family use located within 600 feet of the proposed outdoor music venue;
- The notice owner of a multi-family use located adjacent to the venue (for new permits only); or
- A registered neighborhood organization who's declared boundaries are within 600 feet of the proposed venue.

Staff recommends denial of the appeal due to the following and conditions placed on the permit:

- Chapter 9-2-53(C) of the City Code, Noise and Amplified Sound; The accountable official may not deny an initial permit for an outdoor music venue located within the footprint of a restaurant (general) use under Section 25-2-808 (Restaurants and Cocktail Lounges), but the accountable official may:
  - (a) impose conditions on the permit, as provided in Subsection (B)(2) of this section; and
  - (b) deny an application to renew the permit under Section 9-2-32 (Denial of Permit for Repeated Offenses) based on repeated violation of applicable decibel level.
- The speakers must be angled downward;
- No subwoofers larger than 12" shall be used at this location for any event;
- Monitor speakers should be limited to mic stand mounted person monitors;
- Appropriate musical styles and instrumentation no hard rock or heavy bass;
- 70 decibel limit;
- Limited to one larger event in parking lot per year;
- No larger parking lot event and shall not go beyond 7:00 p.m. on any night of the week
- 60 day review